

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Yoshio Tomoda, et al.

Serial No.: 10/705,613

Filed: November 10, 2003

For: METHOD OF DECREASING  
ACRYLAMIDE IN FOOD COOKED  
UNDER HEAT

Patent Examiner: Tran, Lien T.

Group Art Unit: 1761

March 29, 2007

Costa Mesa, CA 92626

**DECLARATION OF TOMO TAKAYAMA**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I, TOMO TAKAYAMA hereby declare:

1. I received a Bachelor of Agriculture degree from Tohoku University in March 1999 and a Master's degree in Agricultural Science from Tohoku University in March 2001. I joined Toyo Suisan Kaisha, Ltd. (the parent company of Maruchan, Inc.) in April 2001, and have been employed since then and been engaged in food preparation and food chemistry research and development with particular emphasis on research and development of instant noodles. I am a co-inventor of the present invention described and claimed in the above-identified application. My current position continues to be in the research and development department of my employer.

2. Recently the following experiments were conducted by me or under my supervision.

3. Example 1 of the *Kametaka et al.* (JP4063194755A) patent reference was prepared. We found that although formation of acrylamide was reduced, the resulting fried noodles were less than acceptable for commercial production because of unsatisfactory consistency and acidic taste. These results are in contrast with the presently claimed process that produces commercially acceptable product.

4. In light of the foregoing I am of the opinion that a reasonable balance between AA formation and commercially acceptable quality of fried noodles is not attained, or is less satisfactorily attained in the *Kametaka et al.* reference than in the presently claimed process.

5. Example 2 of the *Yamasaki et al.* (Jp. 406000064A reference was also repeated. When sodium alginate was added, as described in the reference, the pH of the resulting noodle was 7.02, which is above the pH 6.5 (or less) described in the claims of the above-identified application.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: March 29, 2007

Tomo Takayama  
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